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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,579	07/11/2003	Daniel P. Turi	6201.001	3667

34282 7590 05/05/2005

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EXAMINER

STERLING, AMY JO

ART UNIT PAPER NUMBER

3632

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,579

Applicant(s)

TURI ET AL.

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is a non-final Office Action for application number 10/617,579 Detachable Weights for Stabilizing Intravenous Stands, filed on 7/11/03. Claims 1-18 are pending. This is a non-final Action is in response to applicant's reply dated 3/15/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/15/05 has been entered.

Claim Objections

Claims 1, 7 and 13 are objected to because of the following informalities:

The claims recite the term "wheel carriage" which should be changed to "wheeled carriage" to match the terminology of the preamble.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3632

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 13-15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent Publication No. 2004/0011941 to Roepke et al.

In the Reply and Request for RCE (3/15/05) the applicant has responded that the Intravenous stand and the wheeled carriage are clearly intended to be positive limitations of the claims. (See Remarks, page 7 lines 4-7 generally). The claims were examined as if they Intravenous pole including a wheeled carriage are required.

Roepke et al. discloses a stand having a wheeled carriage with a pole extending vertically therefrom (See Fig. 2) and a pair of bodies (12, 14) in resting engagement atop the wheeled carriage of the intravenous stand (See Fig. 2) on opposite sides of the pole thereof, wherein the pair of bodies are supported solely by the wheeled carriage, the bodies (12, 14) being movable toward each other into a closed position about the pole of the stand and a latch means (16, 18) mounted on the pair of bodies to releasably clamp the pair of bodies in a closed position. Roepke et al. teaches that the pair of bodies are planar and semi-circular and each body (12, 14) defines a mating surface having a semi-circular notch (20) formed intermediate to each body's opposite ends, the mating surfaces of the pair of bodies being in contiguous engagement and

Art Unit: 3632

having a linear configuration with each other with the notches (20) being in circumscribing engagement with the pole when mounted on the stand.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Publication Patent No. 2004/0011941 to Roepke et al. as applied to claims 1 and 13 above and in view of United States Patent No. 5009442 to Schneider.

Roepke et al. discloses the basic inventive concept including teaching that the pair of bodies each have a mating surface with a notch formed intermediate the opposite ends thereof. Roepke et al. does not disclose a liner of resiliently deformable material on the mating surfaces in the notches therein.

Schneider teaches a pair of bodies (66, 78) which move together to mate around a pole (6) of an intravenous stand which has a notch therein and a resiliently deformable material (82) on the mating surfaces of the notch therein. The deformable material used for a tighter fit of the body against the pole. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention from the teachings

Art Unit: 3632

of Schneider to have used a resiliently deformable material in the notch in order to have a tighter fit of the body to the pole.

Claims 5, 7-11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Publication Patent No. 2004/0011941 to Roepke et al. as applied to claims 1 and 13 above and in view of United States Patent No. 4971318 to Tracy.

Roepke et al. discloses a stand having a wheeled carriage with a pole extending vertically therefrom (See Fig. 2) and a pair of bodies (12, 14) in resting engagement atop the wheeled carriage of the intravenous stand (See Fig. 2) on opposite sides of the pole thereof, wherein the pair of bodies are supported solely by the wheeled carriage, the bodies (12, 14) being movable toward each other into a closed position about the pole of the stand and a latch means (16, 18) mounted on the pair of bodies to releasably clamp the pair of bodies in a closed position. Roepke et al. teaches that the pair of bodies are planar and semi-circular and each body (12, 14) defines a mating surface having a semi-circular notch (20) formed intermediate to each body's opposite ends, the mating surfaces of the pair of bodies being in contiguous engagement when swung towards each other and having a linear configuration with each other with the notches (20) being in circumscribing engagement and circumferentially engaging the pole when mounted on the stand.

Roepke et al. discloses the basic inventive concept with the exception that it does not show wherein the bodies are connected to each other by a hinge to form the

Art Unit: 3632

pair of bodies into a clamshell structure with the bodies being swung toward each into a closed position and swung away into an open position.

Tracy discloses a pair of bodies (16, 18) which are connected to each other by a hinge (40) to form the pair of bodies into a clamshell structure with the bodies (16, 18) being swung toward each into a closed position and swung away into an open position, used to easily and removeably close around a pole (10). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention from the teachings of Tracy to have used a clamshell and hinge structure as taught above in order to easily and removably close around a pole.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Publication Patent No. 2004/0011941 to Roepke et al. and in view of United States Patent No. 4971318 to Tracy as applied to claim 7 above and further in view of United States Patent No. 5009442 to Schneider.

Roepke et al. and Tracy disclose the basic inventive concept including teaching that the pair of bodies each have a mating surface with a notch formed intermediate the opposite ends thereof. Roepke et al. does and Tracy do not disclose a liner of resiliently deformable material on the mating surfaces in the notches therein.

Schneider teaches a pair of bodies (66, 78) which move together to mate around a pole (6) of an intravenous stand which has a notch therein and a resiliently deformable material (82) on the mating surfaces of the notch therein. The deformable material used for a tighter fit of the body against the pole. Therefore it would have been

Art Unit: 3632

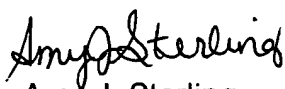
obvious to one of ordinary skill in the art at the time of the invention from the teachings of Schneider to have used a resiliently deformable material in the notch in order to have a tighter fit of the body to the pole.

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 571-272-6815. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 571-273-6823 (informal amendments/ communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
4/30/05